



**OFFICE OF
THE ATTORNEY GENERAL
AUSTIN, TEXAS**

ERIC EDANIELSON
JULY 1984

Honorable I. Fredrick
County Auditor
Galveston, Texas

Dear Sirs:

Opinden No. 0-2393

Re: Authority of Commissioners' Court to purchase old school building to use for W. F. A. Sewing Room and Blind Projects. Also authority to rent a building if no other arrangement can be made.

Your letter of May 21, 1949, contains the following paragraphs requesting an opinion from this Department:

"Galveston County has for several years sponsored several W.P.A. Projects and among them the W.P.A. Sewing Room and Billing Project. These two projects are sound and operating in one of the City School buildings that is no longer used for school purposes.

"The Board of School Trustees of the City of Galveston are now advertising this school building to be sold and it will be necessary for Galveston County to provide other quarters for the Sewing Room and the Kind Projects.

"Your opinion is respectfully requested as to the authority of the Commissioners' Court to purchase this building and also as to the authority of the Court to rent a building if no other arrangement can be made."

Article 23720-2, Section 1, Vernon's: Revised Civil Statutes, provides:

"The County Commissioners Courts and the City Commission of any incorporated town or city of this State are hereby authorized to lease, rent, or provide office space for the purpose of aiding and co-operating with the agencies of the State and Federal Governments engaged in the administration of relief to the unemployed or needy people of the State of Texas, and to pay the regular monthly utility bills for such offices, such as lights, gas, and water;

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and when in the opinion of a majority of a Commissioners Court of a county such office space is essential to the proper administration of such agencies of either the State or Federal Governments, said Court is hereby specifically authorized to pay for same and for the regular monthly utility bills for such offices out of the County's General Fund by warrants as in the payment of such other obligations of the county."

The foregoing statute was enacted by the 46th Legislature, effective May 6, 1939. Prior to this time, the Commissioners' Court, being a court of limited jurisdiction, with its powers and duties conferred by the Constitution and Laws of the State, no law existed expressly conferring upon said Court or from which authority might be implied for such Court to lease building space necessary in housing W. P. A. projects conducted within the County.

By the provisions of the above quoted statute, where in the opinion of the majority of the Commissioners' Court, such office space is essential to the proper administration of either State or Federal agencies, said court is authorized to lease, rent or provide the necessary office space. We are unable to interpret or extend the language of this statute to include the purchase of a building. By the use of the word "office", the act does not contemplate or authorize the expenditure of county funds for floor space to be used to house the actual operations.

It is, therefore, the opinion of this Department that the Commissioners' Court is authorized, under the provisions of Article 2078-2, Vernon's Revised Civil Statutes, to rent, lease or provide office space essential to the proper administration of sewing room and blind projects of the W.P.A., of the Federal Government if a majority of the Court concludes same to be necessary. The Commissioners' Court is not authorized to purchase a building for such purposes under the provisions of this statute or any other law.

Yours very truly,
ATTORNEY GENERAL OF TEXAS
By /s/ Mr. J. R. King
Assistant

WORK: BRR: jrb

APPROVED JUNE 17, 1940

/s/ Gerald G. Herr

ATTORNEY GENERAL OF TEXAS

This opinion considered and approved
in limited conference